

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NADRA FOSTER,

Plaintiff,

v.

BERKELEY POLICE DEPARTMENT, *et al.*,

Defendants.

No. C10-03703 SI (ADR)

~~(PROPOSED)~~ ORDER REQUIRING
PLAINTIFF TO SUBMIT TO A DEFENSE
MEDICAL PHYSICAL EXAMINATION

Pursuant to the Case Management Conference on August 26, 2011, the Court hereby orders plaintiff Nadra Foster to have her neck, arms, and hands physically examined by, Dr. David Lincoln Nelson (415) 925-0501, a licensed medical doctor who is a Board Certified Orthopedic Surgeon hired by the City of Berkeley specializing in hand injuries, at the below-listed date, time, and place. Although this is a federal lawsuit, terms and conditions of Code of Civil Procedure sections 2032.220 through 2032.650, where applicable, shall govern this examination.

Date/Time: September 21, 2001 at 3:00 p.m.

Place: 1363 South Eliseo Drive, Greenbrae, California

The examination will not include any diagnostic test/procedure that is painful, protracted, or intrusive. The examination will consist of asking plaintiff about matters directly related to her physical hand/arm symptoms and an examination of plaintiff's hands, forearms, elbows, and neck. The may involve observing, palpating (touching and feeling), having plaintiff demonstrate certain ranges of motion and muscle strength, and asking about skin sensitivity. The touching will be done gently and usually does not result in any pain. The exam will last from 30 to 45 minutes.

1 The exam will *not* involve any x-rays or invasive testing. The exam will not require any
2 undressing other than removing outer clothing or long sleeves.

3 Plaintiff's counsel must ensure plaintiff attends the exam in a timely fashion, if plaintiff
4 does not have access to other private transportation.

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6 DATED: 8/26/11


Hon. Susan Illston

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
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10 NADRA FOSTER,
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12 Plaintiff,
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14 v.
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16 BERKELEY POLICE DEPARTMENT, *et*
al.,
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18 Defendants.
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No. C10-03703 SI (ADR)

(PROPOSED) ORDER RE: A DEFENSE
PSYCHIATRIC EXAMINATION OF
PLAINTIFF

26 Pursuant to the Case Management Conference on August 26, 2011, the Court hereby
27 orders plaintiff Nadra Foster to take part in a psychiatric examination that will include
28 psychological testing regarding her claims in this lawsuit of extraordinary emotional distress and
Post Traumatic Stress Disorder. The exam will be by (1) a licensed psychiatrist who is a Board
Certified Psychiatrist listed below hired by the City of Berkeley, and (2) licensed psychologist
listed below hired by the City of Berkeley. Although this is a federal lawsuit, terms and
conditions of Code of Civil Procedure sections 2032.220 through 2032.650, where applicable,
shall govern this examination.

PSYCHOLOGICAL TESTS

Psychologist: Ron Roberts, Ph.D. (415) 776-2000

Date/Time: September 20, 2001 at 9:00 a.m.

Place: 2000 Van Ness Ave., Suite 512, San Francisco

(Parking: Use the garage under the condominiums on Jackson Street, just down the street from 2000 Van Ness. Jackson Street is one way between Van Ness and Polk. The cost is \$6.00 before 10:00 a.m.)

The psychological testing will consist of standardized written and oral tests called the MMPI-2, the PAI, and the Rorschach Test. Plaintiff can make an audio recording of the oral part of these tests. Plaintiff will be alone with Dr. Roberts or his staff person during the tests. If plaintiff makes a good faith effort at completing the tests, the tests will not take longer than four hours, plus breaks.

PSYCHIATRIC EXAMINATION

Doctor: Mark I. Levy, M.D. (415) 388-8040

Date/Time: September 23, 2001 at 10:00 a.m.

Place: 655 Redwood Highway, Suite 271, Mill Valley, CA 94941

This exam will consist of a psychiatric interview consisting of developmental, family, medical, psychiatric, substance use/abuse, educational, vocational, legal, and relationship histories. The exam will last from 4 to 6 hours, plus breaks, if plaintiff makes a good faith effort to respond to the questions in the interview. The exam can be videotaped or audio taped, which tape will be made available to plaintiff's attorney. Plaintiff can also make an audio tape of the interview. Plaintiff will be alone with Dr. Levy during the exam.

Plaintiff's counsel must ensure plaintiff attends the exam in a timely fashion, if plaintiff does not have access to other private transportation.

DATED: 8/26/11

8/26/11 S A
Hon. Susan Illston